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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,961	11/24/2003	Cary Lee Bates	ROC920030211US1	5209
30206	7590	06/21/2006	EXAMINER WEI, ZHENG	
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			ART UNIT 2191	PAPER NUMBER

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/720,961	BATES ET AL.
	Examiner	Art Unit
	Zheng Wei	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/24/2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/24/2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/24/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. This Office Action is in response to the application filed on 11/24/2003  
Inventor: Bates et al.  
Claims 1-18 are pending and have been examined.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on 11/24/2003 fails to provide a copy of those applications. Therefore they are not considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention “signal-bearing media” is directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The term "encoded instructions" in claim 1-18 is a relative term which renders the claim indefinite. The term "encoded instructions" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of examination, the Examiner interpreted the term "encoded instructions" that is just instructions of computer execution.
  
6. The term "encoded statement" in claim 1-18 is a relative term which renders the claim indefinite. The term "encoded statement" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of examination, the Examiner interpreted the term "encoded statement" that is just computer source code statement.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –
  - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
  
8. Claim 1, 2, 4, 6-9, 11-14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cederqvist (Cederqvist et al, Version Management with CVS for CVS 1.11.2, 1992,1993)

Claim 1, 2, 13 and 14: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method for managing software source code and project, the method and application comprising the steps of:

- Creating or adding files to a directory in CVS; (Chapter7, page53 section7.1, Adding files to a directory)
- Automatically maintaining all CVS related administrative files; (Appendix C page139-147, Reference manual for Administrative files)
- Getting and editing local copy of source file; (Chapter1, page3-4, section1.3, A sample session)
- Automatically determining the version of local copy and master copy according to the administrative files; (Appendix C page139-147, Reference manual for Administrative files)
- Committing and propagating changes to all different revision files; (Chapter1, page4, section1.3.2 Committing your changes)

Claim 4: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method as claims 1 above. Cederqvist further discloses the administrative file includes the commit support files (“commitinfo”, “verifying log messages”, “editinfo”) and the checkoutlist file which indicate all kind of information and status about managed source code. (Appendix C, page139-147, Reference manual for administrative files)

Claim 6 and 18: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method as claim 1 and claim 13 above. Cederqvist further discloses the steps comprising: (Chapter10, page63-67, Multiple developers)

- Receiving a user command to check in the modified working copy to one or more branches; (Chapter10, page63, paragraph[02])
- During checking in process, automatically determining whether the last version source code has been changed by other developer after local working copy being checked out; (Chapter10.1, page63, paragraph[05])
- If it has been changed by others before, then CVS will generate an error message to warn user to get update and solve conflict before committing file. (Chapter10, page63, paragraph[02])

Claim 7-9: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method for managing software source code and project, the method and application comprising the steps of:

- Creating or adding source code files to a directory in CVS; (Chapter7, page53, section7.1, Adding files to a directory)
- Automatically maintaining all CVS related administrative files; (Appendix C page139-147, Reference manual for Administrative files)
- Receiving a user command to check in the modified working copy of the source code to one or more branches; (Chapter10, page63, Multiple developers)
- During checking in process, automatically determining whether the last version source code has been changed by other developer after local working copy being checked out; (Chapter10, page63, Multiple developers)
- If it has been changed by others before, then CVS will generate an error message to warn user to get update and solve conflict before committing

file. (Chapter10, page63, Multiple developers)

Claim 12 and 16: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method as claims 7 and 13 above. Cederqvist further discloses the administrative file includes the commit support files ("commitinfo", "verifying log messages", "editinfo") and the checkoutlist file which indicate all kind of information and status about managed source code. (Appendix C, page139-147, Reference manual for administrative files)

Claim 11: Cederqvist discloses a Software Concurrent Version Control System (CVS) and method for managing software source code and project as in claim 7 above. Cederqvist further discloses the administrative files include the commit support files ("commitinfo", "verifying log messages", "editinfo") and the checkoutlist file which indicate all kind of information and status about managed source code. (Appendix C, page139-147, Reference manual for administrative files).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cederqvist (Cederqvist et al, Version Management with CVS for CVS 1.11.2, 1992,1993) in view of Introduction to the vi Editor (Information Technology, Rice University, Document UNIX 4, "Introduction to the vi Editor", July 11, 2002)

Claim 3 and 15: Cederqvist discloses a software source code version control method for developing software source code as claim1 and claim13 above, and also discloses a method of displaying changes made by said editing step in the local copy and each committed branches by using "cvs diff" command (Page 5, chapter1.3.4 "Viewing differences"). But he does not disclose the step of soliciting user confirmation for said changes. However, the tutorial document Introduction to the vi Editor (page 23, "Special Flags") discloses a search-and-replace feature that can solicit user confirmation before replacing old string with new string. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add this feature for soliciting user confirmation before committing the file in Cederqvist's CVS user working environment. One would have been motivated to double check to make sure the changes are really needed to check in. This is especially useful if changes need to commit to multiple branches.

11. Claim 5, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable under Cederqvist (Cederqvist et al, Version Management with CVS for CVS 1.11.2, 1992,1993)

Claim 5 and 17: Cederqvist disclose a CVS system and method for source code management as claim 4 and claim 16 above, but Cederqvist does not explicitly

disclose the administrative files in CVS contain any data related to the verification by compilation. However, as a business rule, it is useful and can be added to local check in script to verify source code status before execution CVS commit command. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put status checking before checking in changes. One would have been motivated to verify the source code status before committing the changes to repository in Cederqvist's CVS. This function is useful to enforce business rule in software development and prevent source code checking without some degree guarantee.

Claim 10: Cederqvist disclose a CVS system and method for source code management as claim 9 above, but Cederqvist does not explicitly disclose the administrative files in CVS contain any data related to the verification by compilation. However, as a business rule, it is useful and can be added to local check in script to verify source code status before execution CVS commit command. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to put status checking before checking in changes. One would have been motivated to verify the source code status before committing the changes to repository in Cederqvist's CVS. This function is useful to enforce business rule in software development and prevent source code checking without some degree guarantee.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059. The examiner can normally be reached on Monday-Thursday 14:00-15:00. If attempts to reach the examiner by telephone are unsuccessful,

the examiner's supervisor, James Myhre can be reached on (571) 270-01065.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 05, 2006

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